

5th Anniversary of the PSI Re-use framework

Submitted on 18 Feb 2010 by

The 1st July 2010 will be the 5th anniversary of the implementation of the European Union Directive 2003/98/EC in Member States. (The Directive of the 17th November 2003 on the re-use of public sector information (PSI)) The recitals in the Directive state that the objective is to stimulate economic activity within the Union and that this is likely to be further stimulated by technological developments over time.

The 1st July 2010 will be the 5th anniversary of the implementation of the [European Union Directive 2003/98/EC](#) in Member States. (*The Directive* of the 17th November 2003 on the re-use of public sector information (PSI)) The recitals in *the Directive* state that the objective is to stimulate economic activity within the Union and that this is likely to be further stimulated by technological developments over time. (Reference: recitals 3 and 5). The recitals mention growth in jobs (people employed) in the digital content sector and a growth of Small and Medium sized enterprises - two potential economic indicators!

The European Union [Committee of the Regions](#) during the February 2010 Plenary Session adopted a global response (The Opinion) to the [European Commission's Communication](#) published in May 2009 that reviewed the implementation of *the Directive*. *The Opinion* confirms the objective of *the Directive* and points out that it is essential to determine a way of measuring the economic value of the information in an objective manner. (Reference: Clause 14) The Opinion has in effect backed the Commission's action plan announced in the May 2009 Communication to undertake further economic studies and regular measurements of economic activity over the period up to the 1st July 2012.

However *the Opinion* also pointed out that in order to develop the market in PSI re-use it was important to implement policies that apply licensing and charging models to facilitate and maximise the re-use of PSI (notably through the application of marginal costs) (Reference: Clause 12). *The Opinion* at the same time welcomes *the Directive's* objective to minimise the administrative overhead placed on public bodies by the availability of the information. *The Opinion* thus hints at the way that the PSI re-use framework should be implemented such that these two requirements can both be met. Translating this into practice requires Member State PSI policies and public sector bodies to adopt:

- Non transactional licences recognised globally; (the use of Creative Commons type licensing so no burden in generating, describing and entering into licences with other parties)
- No financial charges (so no burden of collection of the financial charges);
- The information to be available online and electronic; (no prior communication with the public sector body so no burden – a move towards data.gov type services)

The above-mentioned implementation methods at the same time remove the economic indicators that have been used traditionally in economic studies and measurements. There is little point in implementing the minimised overhead framework only to then start to implement economic activity meters to support economic measurement. As a result the determination of the economic activity has become a challenge in itself!

Over the past five years a number of Member States have made good progress towards implementing the minimum overhead framework and this is likely to accelerate over the period running up to the 1st July 2012.

The Opinion also stresses regarding the principle of a competitive PSI market that it is essential to ensure that private service providers face the same conditions as public institutions, to enable access to public data by private users. (Reference: Clause 13). To comply with this requirement means that Member States must adopt PSI policies that do not permit their public sector information holders to act commercially or if they do that they ensure that the public bodies that do act commercially are physically separated from the public task activity. From the economic measurement perspective a clear separation supports the measurement of economic activity from PSI re-use as the public sector commercial activities can be grouped with other economic actors that are engaged in PSI re-use or benefit indirectly from PSI re-use services. If there is no separation then this gives rise to a further challenge when undertaking measurements of economic activity. Economic studies over the past five years have been faced with a reluctance of both the public and private actors to release financial information related to PSI re-use.

The PSI re-use framework as set down by the Directive supports both commercial and non-commercial re-use. The latter sets yet a further challenge to measuring and estimating the economic value from re-using PSI.

Facing such a challenge then leads to the question: *Why bother to undertake such economic measurements? Especially if it is likely to lead to economic estimates that are immediately challenged!*

Putting aside human curiosity one reason why economic evidence is required is that those that set and implement policy would like to know whether the policy is meeting the high and lower level objectives or not. Hence the reason that the European Commission supported by the European Parliament and the Committee of the Regions wishes to undertake further economic studies and measurements.

The European Commission during the latter half of 2009 has commenced the preliminary steps that are preparing the way for undertaking these measurements and commissioning economic studies. During November 2009 the Commission through the auspices of the [PSI Group](#) has commenced work on these preparations.

To support the Commission preparatory actions to collect further economic evidence a [public meeting](#) will be held in Madrid on the 8th June 2010. The objective of the meeting is to bring together those that have an interest in measuring economic activity to consider economic indicators. The desired outcome from the meeting is to agree a small number of indicators that can be used at regular intervals to determine the trend in economic activity related to PSI re-use. Further more whether the indicators need to vary depending on the thematic domain of the information (or sector) or there can be one set of indicators that can be used across all thematic domains?

If you wish to actively take part in proposing and justifying such indicators at the meeting then please contact the European Public Sector Information Platform [meeting co-ordinator](#) as soon as possible as the program for the June meeting is now under formation.

1. What indicators would you use if you were set the task of measuring the economic activity from PSI-re-use?
2. Would the indicators that you have chosen be sustainable overtime? Or pose the question another way could the indicators that you have selected be used at six monthly intervals over the five-year period from 1st July 2010 to 1st July 2015 without change?
3. Are the indicators that you have chosen applicable to only one thematic information domain or all information domains?
4. In your opinion has the PSI re-use framework in its first five years stimulated economic activity? If so what is the evidence that supports your opinion?

